IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 6696 of 2007(V)

AGAINST THE ORDER DATED 02/02/2007 IN IA 5346/2006 IN OS.539/2005 of PRL.M.C.KOZHIKODE-I

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PETITIONERS:

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1. RAGHAVAN, RESIDING AT SOUPARNIKA, ARATTUTHARA AMSOM, DESOM, MANANTHAVADY TALUK, WAYANAD DISTRICT.

2. U.PRASANNA KUMARI, RESIDING AT SOUPARNIKA, ARATTUTHARA AMSOM, DESOM, MANANTHAVADY TALUK, WAYANAD DISTRICT.

BY ADV. SRI.M.P.ASHOK KUMAR
SRI.P.C.GOPINATH

RESPONDENT:

LAKSHMI, W/O.RAGHAVAN, AISWARYA, NENMANDA AMSOM DESOM, KOZHIKODE TALUK.

BY ADV. SRI.P.RAMACHANDRAN
SRI.P.N.SREENIVASAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.6696/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE WRITTEN STATEMENT IN OS. NO.539/05 OFPRINCIPAL MUNSIFF COURT, KOZHIKODE.

EXT.P2:- COPY OF THE ORDER DT. 2.2.07 IN IA. 5346/06 OF PRINCIPAL MUSNIFF KOZHIKODE.

EXT.P3:- COPY OF THE PLAINT IN OS. 639/05 OF PRINCIPAL MUNSIFF KOZHIKODE.

/TRUE COPY/

P.A. TO JUDGE

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V.GIRI,J.

W.P.(C)NO.6696 of 2007

Dated this the 8th day of August, 2007

JUDGMENT

The challenge in the writ petition is against Ext.P2 order. The court below by the impugned order, for setting aside the ex-parte decree, directed the petitioner to pay an amount of Rs.1,000/= as cost and to deposit half the total arrears of rent/licence fee till the date of the cost. The order impugned is dated 2.2.2007. The deposit is directed to be made within 20.2.2007.

2. Heard the learned counsel for the respondent as well. Learned counsel for the respondent also agrees that the condition requiring the petitioner to deposit half the arrears of rent/licence fee till the date of the deposit is not reasonable and instead the condition may be modified as to confine the deposit to the period claimed in the suit.

3. On going through the petition and after hearing both sides, I am of the view that Ext.P2 shall stand modified by requiring the petitioner to pay an amount of Rs.1,000/= by way of cost along with the deposit of half the total arrears of rent/licence fee which accrued till 31.8.2005. The deposit will be made within two weeks from the

date of receipt of a copy of this judgment. On deposit and payment, as aforementioned, the Court below will treat the same as being in sufficient compliance with the conditions in Ext.P2 order and shall proceed with the matter in accordance with law.

The writ petition is disposed of as above.

V.GIRI,JUDGE

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